

UNITED STATES DISTRICT COURT

for the
Eastern District of Missouri**FILED****FEB 1 2021****U.S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS**

In the Matter of the Search of)
 USPS Priority Mail Express parcel EE)
 135643374 US, addressed to "Mike Rusbacky 805 S.)
 Yosemite Ct St Peters , MO 63376" with return)
 address of "Trevor Lahey 1257 Logan St Denver CO)
 80203.")

Case No. 4:21 CR 5013 NAB

SUBMITTED TO THE COURT AND SIGNED BY
SIGNED BY RELIABLE ELECTRONIC MEANS**APPLICATION FOR A SEARCH WARRANT**

I, Nicholas J. Masterson, a federal law enforcement officer or an attorney for the government request a search warrant and state under penalty of perjury that I have reason to believe that on the following property:

USPS Priority Mail Express parcel EE 135643374 US, addressed to "Mike Rusbacky 805 S. Yosemite Ct St Peters , MO 63376" with return address of "Trevor Lahey 1257 Logan St Denver CO 80203."
 located in the EASTERN District of MISSOURI, there is now concealed controlled substances and/or United States currency

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Title 21, U.S.C., §§ 846, 841(a)(1) and
Title 18, U.S.C. §§ 1956 and 1957

The application is based on these facts:

Offense Description

Conspiracy to possess with intent to distribute controlled substance(s) and money laundering

SEE ATTACHED AFFIDAVIT WHICH IS INCORPORATED HEREIN BY REFERENCE.

- Continued on the attached sheet.
- Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

I state under penalty of perjury that the foregoing is true and correct.

Applicant's signature

Nicholas J. Masterson, Task Force Officer
United States Postal Inspection Service (USPIS)

Printed name and title

Sworn to, attested to, and affirmed before me via reliable electronic means pursuant to Federal Rules of Criminal Procedure 4.1 and 41.

Date: 2/1/21

City and State: St. Louis, MO

Judge's signature

Honorable Nannette A. Baker, U.S. Magistrate Judge

Printed name and title

AUSA: Geoffrey S. Ogden

AFFIDAVIT

I, Nicholas J. Masterson, being duly sworn, state the following:

1. I am a Task Force Officer (TFO) with the United States Postal Inspection Service (USPIS).

I have been assigned as a Task Force Officer with USPIS for approximately one and a half months. I have been assigned to the Contraband Interdiction and Investigation (CI2) Team. I have completed available training by the USPIS in the investigation of controlled substances or proceeds/payments being transported through the United States. The St. Louis Field Office's CI2 Team has intercepted numerous parcels which were found to contain narcotics or proceeds of narcotics trafficking and other criminal activity. Prior to my assignment with the USPIS, I have accrued approximately eight (8) years of law enforcement experience. During my career, I have conducted numerous narcotics investigations as a Narcotics Detective with the St. Charles County Regional Drug Task Force. A position in which I have approximately one and a half years of experience. While assigned as a Detective, I received extensive training in narcotics investigations and money laundering investigations.

2. Experience and drug trafficking intelligence information gathered by the USPIS have demonstrated that the U.S. Postal Service Express Mail and Priority Mail are frequently utilized by drug traffickers for shipping controlled substances or proceeds/payments. Use of Express Mail and Priority Mail are favored because of the speed (Express Mail - overnight; Priority mail - two-day delivery), reliability, free telephone and internet package tracking service, as well as the perceived minimal chance of detection. Express Mail was originally intended for urgent, business-to-business, correspondence. Intelligence from prior packages, which were found to contain controlled substances or proceeds/payments, has indicated that these labels are usually from an individual to an individual. Express Mail and Priority Mail are seldom used for individual to individual correspondence.

3. Information gathered by the USPIS has also demonstrated that other delivery couriers, such as Federal Express and United Parcel Service, are frequently utilized by drug traffickers for shipping controlled substances or proceeds/payments. Information gathered by the USPIS has demonstrated that the services and delivery practices of Federal Express and United Parcel Service are similar to U.S. Postal

Service Express Mail and Priority Mail. Like U.S. Postal Service Express Mail and Priority Mail, Federal Express and United Parcel Service are favored because of the speed, reliability, free telephone and internet package tracking service, as well as the perceived minimal chance of detection. Like U.S. Postal Service Express Mail and Priority Mail, Federal Express and United Parcel Service were originally intended for urgent, business-to-business, correspondence. However, intelligence from prior packages which were found to contain controlled substances or proceeds/payments, has indicated that these shipping labels are usually from an individual to an individual. Federal Express and United Parcel Service are seldom utilized to convey individual-to-individual correspondence.

4. In an effort to combat the flow of controlled substances through the overnight or two to three-day delivery services, interdiction programs have been established in cities throughout the United States by the USPIS. These cities have been identified as known sources of, and destinations for, controlled substances. The USPIS conducted an analysis of prior packages mailed through overnight and/or two to three-day delivery services that contained controlled substances or proceeds/payments of controlled substance sales. The analysis of those prior packages indicated that these labels are usually from an individual to an individual. In the few cases when overnight, and or two to three day delivery service packages containing controlled substances or proceeds/payments have displayed a business or company name, it has usually proven to be a fictitious business or company, or the business listed is not associated with the mailer and was randomly selected by the mailer to deter law enforcement detection. In such instances, Postal Inspectors review available business records to verify the postage payment utilized by the mailer.

5. Most business mailings sent via USPS or through other private couriers reflect a pre-established postage meter or other various lines of credit to pay for the postage. Additionally, during the Silk Road investigation (dark web investigation that provided avenues to customers to order narcotics via the internet) the USPIS learned that unknown persons posted intelligence on the Silk Road website warning would be drug mailers that most USPIS search warrant affidavits for narcotics/narcotics proceeds packages, reflect mailing labels written as person-to-person and bore fictitious addressee and sender names. Due to

the posting on the Silk Road Website, USPIS has noticed an increased number of packages utilizing valid sender and addressee names and or valid business names on narcotics/narcotics proceeds packages. Recent analysis has also shown that whether the mailer utilized a legitimate name/business on a mailing label or a fictitious name on the mailing label, cash payment for postage is the method of payment for most narcotics/narcotics proceeds parcels. USPIS analysis has established a series of characteristics which, when found in combination of two or more, have shown a high probability that the package will contain a controlled substance or the proceeds of controlled substance sales. Information collected by the USPIS has demonstrated that the presence of these characteristics is significant for delivery services, to include U.S. Postal Service Express Mail, U.S. Postal Service Priority Mail, Federal Express, and United Parcel Service. This profile includes the following characteristics: package mailed from or addressed to a narcotic source city; package has a fictitious return address; package addressee name is unknown at the destination address; package sender name is unknown at the return address; package has address information which is handwritten; package is mailed from a Commercial Mail Receiving Agency (CMRA); package is addressed to residential areas; package is addressed from an individual to an individual; packages are wrapped in brown paper and/or heavily taped; and the ZIP Code from where the package is mailed is different than the ZIP Code used in the return address, and or any other characteristic previously noted in this paragraph.

6. The U.S. Postal Inspection Service St. Louis Field Office's CI2 Team has found the characteristics listed in paragraphs three, four, and five, are indicative of packages, which have been found to contain illegal controlled substances or the proceeds/payments for controlled substances.

7. This affidavit is submitted for the limited purpose of establishing probable cause for the search warrant sought. I have not set forth each and every fact known to me concerning this investigation. I have included what I believe are facts sufficient for the present purpose. The information contained in this affidavit is based upon my personal knowledge and investigation, as well as information conveyed to me by other law enforcement agents and employees.

8. On Wednesday, January 27, 2021, William Mason, an Investigative Analyst for the U.S. Postal Inspection Service located at the Denver, Colorado Division Headquarters, notified Postal Inspector Joseph

Widlowski of a suspicious parcel being sent from Denver, Colorado to Saint Peters, Missouri. The parcel was redirected to Postal Inspector Widlowski for further examination. The parcel was identified as USPS Priority Mail Express parcel **EE 135643374 US**, hereafter the **Subject Parcel**.

9. On the same date, January 27, 2021, Postal Inspector Widlowski notified your affiant of the **Subject Parcel**, which was destined for 805 S. Yosemite Court, Saint Peters, Missouri 63376, and scheduled for delivery on January 28, 2021. The **Subject Parcel** was delivered to the Main Post Office located in St. Louis, Missouri.

10. On the morning of January 29, 2021, your affiant was notified that **Subject Parcel** had arrived at the MPO located in St. Louis, Missouri. Your affiant responded to the MPO that same morning to conduct a review of **Subject Parcel**.

11. The **Subject Parcel** bore a handwritten label and was addressed from a source narcotics area, Denver, Colorado. My training and experience has shown Denver, Colorado to be a source area for narcotics. Additionally, the **Subject Parcel** was addressed from person to person, and the postage and fees were \$57.05, paid in cash. The **Subject Parcel** was addressed to: "Mike Rusbacky 805 S. Yosemite Ct St Peters , MO 63376" and addressed from "Trevor Lahey 1257 Logan St Denver CO 80203." A review of available USPS, law enforcement, and open source databases determined 805 South Yosemite Court Saint Peters, Missouri was a valid mailing address. Based on previous knowledge (explained below in paragraphs 12 and 13) and law enforcement databases, your affiant was able to associate a Michael Rusbacky to the address. A review of available USPS, law enforcement, and open source databases determined 1257 Logan Street, Denver, Colorado was a valid mailing address, however, I was unable to associate the name "Trevor Lahey" with the address. In fact, I was unable to locate a "Trevor Lahey" associated to the city of Denver, Colorado. Based on my training and experience, I know narcotic traffickers have utilized fictitious sender/addressee information on parcels to avoid detection from law enforcement.

12. During a search of USPIS business records, your affiant observed eight (8) previous suspicious parcels, either Priority Mail or Priority Express Mail, from known source narcotic states (California, Nevada, and Colorado) sent to 805 South Yosemite Court Saint Peters, Missouri 63376.

13. On March 5, 2019, the St. Charles County Regional Drug Task Force (SCCRDTF) executed a search warrant at 805 South Yosemite Court Saint Peters, Missouri based on a narcotics investigation stemming from anonymous complaints of the resident, Michael Rusbacky, selling marijuana. During the execution of the search warrant, detectives with SCCRDTF located an indoor marijuana grow kit, eight (8) marijuana plants, marijuana, Tetrahydrocannabinol (THC) wax, and narcotic paraphernalia. During a Post-*Miranda* interview, Rusbacky claimed ownership to the detective for the items located in the residence.

14. On September 16th, 2020, your affiant was a member of the SCCRDTF when we executed an additional search warrant at 805 South Yosemite Court, Saint Peters, Missouri based on a narcotics investigation stemming from further anonymous complaints of the resident, Michael Rusbacky, selling narcotics (marijuana, heroin, and/or methamphetamine). During the execution of the search warrant, detectives with the SCCRDTF located suspected methamphetamine, suspected Xanax, suspected Lysergic Acid Diethylamide (LSD), and numerous THC infused candy and food inside of United States Postal Service boxes. Michael Rusbacky was transported to the hospital that same evening, due to believing he ingested unknown narcotics prior to being detained during the execution of the search warrant.

15. On January 29, 2021, I contacted Task Force Officer (TFO) Mason McNail, a K-9 Handler employed by the North County Police Cooperative. TFO McNail responded to USPIS offices in St. Louis, Missouri and was accompanied by his narcotic-trained canine, "Tobi." The **Subject Parcel** was placed in an area not known to have been previously contaminated by a narcotic odor. TFO McNail had Tobi search this area. Upon arriving at the **Subject Parcel**, TFO McNail advised that Tobi reacted in a positive manner, which I observed, indicating the presence of a narcotic odor.

16. The **Subject Parcel** is a small brown box with USPS Priority Mail Express label EE 135643374 US. The **Subject Parcel** measures approximately six (6) inches by six (6) inches, by six and one half (6.5) inches, and weighs approximately three (3) pounds. Based on my training and experience, as well as the training and experience of other members of the USPIS Saint Louis CI2 Team, I know that the size and weight of the **Subject Parcel**, coupled with other indicators (i.e. previous knowledge of suspect

address, postage fees paid by cash; addressed person to person; fictitious sender name/address; addressed from a known source narcotics area; and a positive reaction by a narcotic trained canine), are indicative of other packages which have been found in the past to contain narcotic substances, or monies which are the proceeds/payments of narcotic trafficking. Consequently, I believe the parcel contains contraband and/or evidence in violation of Title 21, United States Code, Sections 841(a)(1) and 846, and Title 18, United States Code, Sections 1952, 1956, and 1957.

17. The **Subject Parcel** is currently in the custody of Task Force Officer Nicholas J. Masterson in the Eastern District of Missouri. Attached to this affidavit is a photograph of the mailing label for the **Subject Parcel** and a copy of the qualifications for canine "Tobi."

18. Because this investigation is ongoing and its success would be jeopardized if the contents of this affidavit were made public, Inspectors request that this affidavit be sealed until further order of the Court.

I state under penalty of perjury that the foregoing is true and correct.


NICHOLAS J. MASTERSON
USPIS Task Force Officer

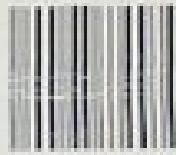
Sworn to, attested to, and affirmed before me via reliable electronic means pursuant to Federal Rules of Criminal Procedure 4.1 and 41 this 1st day of February, 2021.


The Honorable Nannette A. Baker
United States Magistrate Judge
Eastern District of Missouri

1257 Logan St
Denver CO 80203



1007



63376

CUSTOMER USE ONLY

NAME (please print)

PHONE:

Trevor Lakey
1257 Logan St
Denver CO 80203

PAYMENT ACCOUNT (if applicable)

Corporate Acct. No.

Federal Agency Acct. No. or Postal Service™ Acct. No.

DELIVERY OPTIONS (Customer Use Only)

SIGNATURE REQUIRED note: The holder must check the "Signature Required" box if the mailer:
 (P) Requests the addressee's signature, (P+D) Purchases additional insurance, (P+D) Purchases COD service, (P+R)
 Purchases Return Receipt service. If the box is not checked, the Postal Service will leave the item in the addressee's
 car receptacle or other secure location without attempting to obtain the addressee's signature on delivery.

Delivery Options

- No Saturday Delivery (delivered next business day)
 - Sunday/Holiday Delivery Required (additional fee, where available)
 - 10:30 AM Delivery Required (additional fee, where available)
- *Refer to USPS.com® or local Post Office® for availability.

TO: (please print)

PHONE:

Mike Rusbacky
805 S. Yosemite Ct
St Peters, MO
63376

For pickup or USPS tracking™, visit USPS.com, call 800-222-1811.
\$100.00 insurance included.



EE 135643374 US

UNITED STATES
POSTAL SERVICE™PRIORITY
★ MAIL ★
EXPRESS™

ORIGIN (POSTAL SERVICE USE ONLY)

 1-Day 2-Day Military 3rd

PO ZIP Code

Scheduled Delivery Date
(MM/DD/YY)

Postage

80218	1/29/21	\$ 57.05
-------	---------	----------

Date Accepted (MM/DD/YY)	Scheduled Delivery Time	Insurance Fee	COD Fee
1/26/21	10:30 AM <input checked="" type="checkbox"/>	\$	\$
Time Accepted	AM	10:30 AM Delivery Fee	Return Receipt Fee
	<input type="checkbox"/> PM	\$	\$
Special Handling/Flag	Sunday/Holiday Premium Fee	Total Postage & Fees	
\$	\$	57.05	
Weight	Flat Rate	Acceptance Employee Initials	
	<input type="checkbox"/>	RJ	
UNITED STATES POSTAL SERVICE USE ONLY			
Customer Account Number/Name	Delivery Address/Name	Signature	Postmark
Customer Account Number/Name	Delivery Address/Name	Signature	Postmark
CANCELLATION OR RETURN ADDRESS			

North County Police Cooperative
Bureau of Criminal Investigations Canine Detective
Canine Probable Cause Affidavit of Qualifications
Handler: Detective Mason McNail, DSN 373
Canine "Tobi"

I, Detective Mason McNail, DSN 464, have been a Commissioned Police Officer with the North County Police Cooperative since January of 2021. I have previously amassed 22 years of police and narcotics experience. I have completed 960 hours of Missouri P.O.S.T. required Law Enforcement Academy requirements. Canine "Tobi" and I are currently assigned to the North County Police Cooperative Bureau of Criminal Investigations, as well as the United States Postal Inspection Service.

Canine Tobi is a brindle colored, male, Dutch Shepherd. He was born on June 10, 2018. Canine Tobi and I attended and completed the "Narcotics Detection," from August 2, 2020 through August 14, 2020. This course was held at F.M. K9, located in Berrien Center, Michigan. The training course consisted of two weeks of instruction in the application of canine obedience, narcotics/controlled substance detection, and article search. Canine Tobi and I were certified by the North American Police Work Dog Association (NAPWDA) as an accredited Narcotic Detection Canine team on August 12, 2020.

Canine Tobi has been trained to sniff and alert to the distinctive odors of controlled substances including: Heroin, Cocaine, Methamphetamine, Fentanyl, and Marijuana. Canine Tobi alerts to these odors in a passive manner and exhibits a significant change in behavior by sitting, standing, or laying at, or as close as he can get, to the source of the odor.

Since Canine Tobi and I began working, he has been responsible for the seizure of approximately 10.5 pounds of marijuana, approximately 24 pounds of methamphetamine, and approximately 2.8 grams of LSD. Canine Tobi has also been responsible for the seizure of approximately \$47,811 in smuggled bulk US Currency.

Canine Tobi and I train a minimum of 16 hours per month, in the areas of narcotic detection, obedience, tracking, and article searches with the St. Louis County Police Department and/or on our own time.

This affidavit is current as of January 12, 2021.

Detective Mason McNail, DSN 373
North County Police Cooperative
Bureau of Criminal Investigations
8027 Page
St. Louis, MO
314-427-8000